

## Criticism of juvenile justice

Critics of the juvenile justice system, like those in the wider [prison abolition movement](#), identify three main markers of the system for critique and reform. They hold that the juvenile justice system is unjust, ineffective, and counter-productive in terms of fulfilling the promise of the prison system, namely the protection of the public from violent offenders.

**Unjust:** Critics of the juvenile justice system believe that the system is unfairly stacked against [minority](#) youth. Minority youth are disproportionately represented in incarcerated populations relative to their representation in the general population. A recent report from the National Council on Crime and delinquency found that minority youth are treated more severely than white youth at every point of contact with the system—from arrest, to [detention](#), to [adjudication](#), to [incarceration](#)—even when charged with the same crime<sup>[35]</sup>. In 1995, [African American](#) youths made up 12% of the population, but were arrested at rates double those for [Caucasian](#) youths<sup>[36]</sup>. The trend towards adult adjudication has had implications for the racial make-up of the juvenile prison population as well. Minority youth tried in adult courts are much more likely to be [sentenced](#) to serve prison time than white youth offenders arrested for similar crimes<sup>[37]</sup>.

**Harmful to youth:** Juvenile detention facilities are often overcrowded and understaffed<sup>[38]</sup>. The most infamous example of this trend is Cheltenham center in [Louisiana](#), which at one point crowded 100 boys into cottages sanctioned for maximum capacity of 24, with only 3-4 adults supervising. Young people in these environments are subject to brutal violence from their peers as well as staff, who are often overworked, underpaid and under stress. The violence that incarcerated youth experience — fights, stabbings, rapes — is well known to those who work in the criminal justice system, and those who oppose it<sup>[39]</sup>.

Congregating delinquent youth has a negative impact on behavior – it actually serves to make them more [deviant](#) and more of a threat to themselves and others. [Social scientists](#) call the phenomenon “peer delinquency training”, and have found significantly higher levels of [substance abuse](#), school difficulties, delinquency, violence, and adjustment difficulties in adulthood for offenders detained in congregated settings versus those that were offered treatment in another setting<sup>[40]</sup>.

Incarceration can aggravate [mental illness](#). According to detention center administrators who testified to [United States Congress](#) in a 2004 Special Investigation by the [House of Representatives](#), many incarcerated youth could have avoided incarceration had they received [mental health treatment](#),<sup>[41]</sup>. Detention centers do not promote normal [cognitive](#) and [emotional development](#). A recent report indicated that for up to one-third of incarcerated youth suffering from [depression](#), the onset of depression occurred after their transfer to a detention center<sup>[42]</sup>. These youth face a greater risk of [self-injury](#) and [suicide](#). Researchers have found that incarcerated youth engage in self-injurious behaviors at a rate two to four times higher than the general youth population<sup>[43]</sup>. Furthermore, prison administrative policy often intensifies the risk by responding to suicidal threats in ways that endanger the detainees, such as putting them in [solitary confinement](#)<sup>[44]</sup>.

Detained youth with [special needs](#) often fail to return to school upon release. Among those young students receiving [remedial education](#) during their detention, roughly 43% do not return to school. Among those that do re-enroll, between two-thirds to three-quarters drop out within a year. Not only does this pose a serious threat to the ex-offender’s well-being — high school

drop-outs face high unemployment, poor health, shorter [life spans](#), and low income — it also poses a threat to public safety. According to the [United States Department of Education](#), high school drop-outs are 3.5 times more likely to than high school graduates to be arrested<sup>[45]</sup>.

Formally incarcerated youth face less success in the [labor market](#). On average youth that have spent any amount of time in a youth detention facility work 3-5 weeks less than the average employee over the course of a year. Their interrupted education makes them less competitive, and their experience of incarceration may change

them into less stable employees. This lack of success in the workplace is a threat to personal well-being as well as to communities whose youth are incarcerated in large numbers, such as [African Americans](#)<sup>[46]</sup>.

**Ineffective:** Studies indicate that incarcerating young offenders is not the most effective way of curbing delinquency and reducing crime. The relationship between detention of young offenders and the rate of overall youth criminality is not evident. A study of [Federal Bureau of Investigations](#) arrest data for the 1990s reveals that the rise in detention was unrelated to crime rates. That is, detention as a tactic of controlling young offenders has little to nothing to do with the rate of crime or the “threat” that youth pose to the public<sup>[47]</sup>.

While there may be an individual need to incarcerate violent or high-risk youth, most of the young people in prisons, jails and detention centers today – up to 70%-- are serving time for nonviolent offenses<sup>[48]</sup>.

Not all delinquent youth are incarcerated—in fact, as many as one-third of all Americans might engage in delinquent behavior at some point in their youth. But those that are detained or imprisoned are less likely to grow out of their delinquency than those that are not. [Criminologists](#) recognize a natural process of desistance called “aging out” of delinquency, through which a person desists their delinquent behavior through [maturation](#) and experience. Detaining or incarcerating youth can interrupt or slow down the aging out process, resulting in a longer period of delinquency<sup>[49]</sup>.

The harm done to the emotional, mental and social development of incarcerated youth, combined with the separation from family and community and the congregation of offenders makes previous incarceration the leading indicator for a repeat offence among young offenders<sup>[50]</sup>. It is a greater predictor even than weapon possession, gang membership and bad relationships with parents<sup>[51]</sup>. What these studies tell us is that, far from increasing the public safety and curbing youth crime, detaining and incarcerating young offenders is actually leading to more criminality among youth, and more serious crimes.

As the country grapples with the impact of a growing recession, a [cost-benefit](#) analysis of our criminal justice system is especially germane. The cost effectiveness of detention and incarceration scores very low compared with alternative approaches to youth delinquency in a [cost-benefit analysis](#). A 2002 government commissioned study in [Washington State](#) revealed that for every one dollar spent on juvenile detention systems, a benefit return of \$1.98 in terms of reduced crime and cost of crime to taxpayers was achieved. They found benefit returns ranging from \$3.36- \$13 for a series of detention alternatives<sup>[52]</sup>. This study indicates that alternative models are more effective in reducing youth offending in practical and economic terms.

## The movement to end youth incarceration

The movement to reduce and end youth incarceration is a widespread collection of thousands of activists, lawyers, [community organizers](#), educators, artists, and youth working on specific legislative and localized initiatives.

Movement goals include shutting down particularly bad prisons and detention centers, demanding better treatment for youth in the system, providing and demanding better representation for young people in court, affecting legislation to curb youth incarceration, working to abolish [arrest warrants](#) for young people, and promoting alternatives to incarceration.

There are national organizations and local ones, opposition from inside the criminal justice system and from outside of it. The movement is diverse in many ways, and is difficult to encapsulate in a single entry. Listed below are some examples of movement struggles:

### Examples of opposition movement struggles to end youth incarceration

#### *The Maryland campaign to Close Cheltenham*

The Cheltenham Juvenile Detention Center in [Maryland](#) was one of the nation's most infamous prisons for boys. Started in 1872 as the House of Reformation for Colored Boys, Cheltenham was home to a wildly overrepresented population of [minority youth](#). But the [racial injustice](#) inside the notorious prison was not what ultimately led to its demise.

The conditions at Cheltenham were deplorable. Severely overcrowded and criminally understaffed, Cheltenham was also flagged by [fire safety](#) inspectors as one of the least safe buildings in the state. The antiquated prison structure—each cell had to be individually unlocked, and at times prison staff could not present keys to some cells—was also the site of an enormous amount of brutality and violence.

Local citizens in the Maryland Juvenile Justice Coalition developed the Maryland Campaign to Close Cheltenham in 2001. The campaign involved parents of incarcerated youth, youth activists, and faith leaders from across the state. Through a targeted media campaign to shift public opinion, the Campaign succeed in passing [legislation](#) through the annual budget to phase out and close Cheltenham, and to increase state spending on community-based alternative programs for youth offenders <sup>[53]</sup>.

Wikipedia

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